

Message Text

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PAGE 01 BERN 03846 100835Z
ACTION L-03

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FM AMEMBASSY BERN
TO SECSTATE WASHDC 6704
INFO AMEMBASSY PARIS
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GENEVA FOR SCHWEBEL

STATE FOR L (LEE MARKS)

EO 11652: N/A
TAGS: EAIR, FR, SZ
SUBJ: CIVAIR:CHANGE OF GAUGE

REF: BERN 3606

1.FRENCH EMBASSY HAS RECEIVED NOTE ACCEPTING IN PRINCIPLE
PROPOSAL FOR ADOPTING IMMUNITIES AND PRIVILEGES PROVISIONS
OF THE FRENCH/BRITISH CONTINENTAL SHELF ARBITRATION, WITH
CERTAIN MINOR MODIFICATIONS. FOLLOWING IS TRANSLATED TEXT
OF NOTE RECEIVED BY FRENCH EMBASSY. ORIGINAL FRENCH TEXT
BEING POUCHED TO L FOR LEE MARKS. QTE THE FEDERAL
POLITICAL DEPT PRESENTS ITS COMPLIMENTS TO THE
EMBASSY OF FRANCE AND, FURTHER TO ITS NOTE OF JULY 25,
1978 CONCERNING THE INSTITUTING IN GENEVA OF AN
ARBITRAL TRIBUNAL CHARGED WITH SETTling A DISPUTE
BETWEEN FRANCE AND THE UNITED STATES OF AMERICA, HAS
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PAGE 02 BERN 03846 100835Z

THE HONOR TO INFORM IT OF THE FOLLOWING WITH REGARD
TO THE STATUTE, PRIVILEGES AND IMMUNITIES TO BE
AWARDED TO THE TRIBUNAL AND TO THE PERSONS PARTI-
CIPATING IN ITS WORKS.

" THE SWISS AUTHORITIES ARE PREPARED TO ALLOW THE
TRIBUNAL AND THE PERSONS TAKING PART IN THE ARBITRAL

PROCEDURE, THE SAME FACILITIES, PRIVILEGES AND IMMUNITIES AS THOSE WHICH WERE AUTHORIZED TO THE ARBITRAL TRIBUNAL CHARGED WITH THE DELIMITATION OF THE CONTINENTAL SHELF BETWEEN FRANCE AND THE UNITED KINGDOM. TO THIS END, THE FEDERAL COUNCIL IS PREPARED TO CONCLUDE WITH THE FRENCH GOVT AND THE GOVT OF THE US AN AGREEMENT ANALOGOUS TO THE ONE CONCLUDED ON JAN 14, 1977 WITH THE FRENCH GOVT AND THE BRITISH GOVT FOR THE ABOVE-MENTIONED TRIBUNAL.

"THE DEPT WOULD BE GRATEFUL IF THE EMBASSY WOULD KINDLY INDICATE THE OFFICIAL NAME, IN FRENCH AND ENGLISH, OF THE ARBITRAL TRIBUNAL CALLED TO RESOLVE THE DISPUTE BETWEEN FRANCE AND THE US AND TO PUT FORWARD A PROPER TEXT, IN FRENCH AND ENGLISH FOR THE SECOND PARA OF THE PREAMBLE TO THE AGREEMENT TO BE CONCLUDED.

"APART FROM THE REQUIRED ADJUSTMENTS IN THE TITLE, THE PREAMBLE AND TO ARTICLES 27 AND 28 WHERE THE WORDS 'GOVT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND' AND 'UNITED KINGDOM' MUST BE REPLACED BY THE WORDS 'GOVT OF THE UNITED STATES OF AMERICA' AND 'UNITED STATES OF AMERICA' RESPECTIVELY, THE DEPT PROPOSES TO CANCEL, IN LIMITED OFFICIAL USE

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PAGE 03 BERN 03846 100835Z

ARTICLE 19, FIRST PARA, THE FIRST PART OF THE PHRASE: 'UNLESS EXTRA PRIVILEGES AND IMMUNITIES HAVE BEEN GRANTED BY SWITZERLAND'. THESE WORDS ARE SUPERFLUOUS AND RETAINING THEM COULD LEAD TO CONFUSION.

"SINCE ARTICLE 19 IS AUXILIARY TO ARTICLE 40 OF THE CONVENTION ON SPECIAL MISSIONS OF DEC 8, 1969, THE PART OF THE PHRASE IN QUESTION HAD BEEN MISTAKENLY REINTRODUCED INTO THE AGREEMENT OF JAN 14, 1977, IN A TEXT ADAPTED TO THE NEEDS OF THE AGREEMENT WITH THE SCOPE OF ARTICLE 40. NOW, IF THE SAID PART OF THE PHRASE IS KEPT IN THE CONVENTION ON SPECIAL MISSIONS, WHICH IS A MULTILATERAL INSTRUMENT, IT SHOULD NOT IN FACT BE THERE SINCE SWITZERLAND, IN EFFECT, DOES NOT AUTHORIZE ITS NATIONALS PRIVILEGES AND IMMUNITIES OTHER THAN THOSE MENTIONED UNDER ARTICLE 40 OF THE CONVENTION ON SPECIAL MISSIONS.

"THE DEPT IS EAGER TO KNOW THE REPLY OF THE COMPETENT FRENCH AUTHORITIES AS SOON AS POSSIBLE, SO THAT THE REQUIRED PROVISIONS FOR THE INTERNAL SWISS PLAN IN VIEW OF THE CONCLUSION OF THE AGREEMENT MAY BE

TAKEN WITHOUT DELAY.

"THE FEDERAL POLITICAL DEPT AVAILS
ITSELF OF THIS OPPORTUNITY TO RENEW TO THE EMBASSY OF
FRANCE THE ASSURANCES OF ITS HIGHEST CONSIDERATION.
UNQTE.

2. REQUEST DEPT INSTRUCTIONS AS TO WHETHER WE CAN
AGREE ALONG WITH FRENCH TO ARRANGEMENT OUTLINED IN
SWISS FEDERAL POLITICAL DEPT'S NOTE.
CROWLEY

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